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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,480	02/05/2002	Gunther Handke	4452-460	6356
7590	11/18/2003			EXAMINER RODRIGUEZ, RUTH C
Thomas C. Pontani, Esq. Cohen, Pontani, Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			ART UNIT 3677	PAPER NUMBER
DATE MAILED: 11/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/067,480	HANDKE, GÜNTHER
	Examiner	Art Unit
	Ruth C. Rodriguez	3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 05 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z .

6) Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 27 May 2003 has been considered for this Office Action.

¶

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pribil (US 1,350,177).

A tubular body (1,2,3) is formed from a sheet metal blank having a pair of stamped sleeve parts (4) having axial end surfaces and connected by a web (1,2). The tubular member comprises a pair of stamped circumferentially closed sleeve parts (4) connected

by a connecting web (1,2). The sleeve parts being coaxial and having respective axial end surfaces that are mutually facing to form a circumferential closed joint eye (Fig. 7).

Pribil also discloses that:

The tubular body further comprises one of a spring element and a damping element (11) pressed into the sleeve parts and holding the sleeve parts together under tension (Page 2, L. 79-94).

The one of the spring element and the damping element comprises axial stops that hold the sleeve parts together under tension and the axial stops are located outside the sleeve parts and are opposite from the mutually facing end surfaces (P. 2, L. 79-94).

The sleeve parts are welded together (P. 2, L. 94-98).

The web comprises a stamped pass-through opening (5).

The pass through opening has an expanded diameter adjacent to the sleeve parts (Figs. 1-7).

Each the sleeve part has an axial length and most of the length extends between the connecting web and respective mutually facing end (Fig. 7).

The web comprises mutually opposing side edges (1) having respective parallel flats for applying a wrench (Figs. 1-7).

The pass-through opening is circumferentially closed (Figs. 4-7).

The pass-through opening has a circular profile (Figs. 4-7)

The pass-through opening has a central axis that is arranged radially with respect to the axis of the sleeve parts (Figs. 4-7).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 4, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pribil.

Pribil discloses a tubular body having all the features mentioned above in paragraph 3 for the rejection of claim 1. Pribil also discloses that the sleeve parts have respective opposed end surfaces facing oppositely from the mutually facing end surfaces and respective inside walls extending between the mutually facing end surfaces and the opposed end surfaces (Figs. 1-7). Pribil fails to disclose that each the sleeves part has a transition surface pressed into the opposing end surface and leading into inside wall. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have each the sleeve part has a transition surface pressed into end surfaces and leading into the inside wall for the tubular body disclosed by Pribil since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). The object being inserted into the sleeve parts is protected because the sharp edges of the end surfaces are eliminated when each sleeve part has a transition surface pressed into the opposing end surfaces and leading into the inside wall.

Pribil discloses a tubular body (1,2,3) formed from a sheet metal blank and the tubular body comprises a pair opposed ends (3), a circumferentially closed inside wall

(4) extends between the ends (Figs. 1-7). Pribil fails to disclose that a pair of transition surfaces pressed into respective end surfaces and leading to the inside wall. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pair of transition surfaces pressed into respective end surfaces and leading to the inside wall disclosed by Pribil since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). The object being inserted into the circumferentially closed inside wall is protected because the sharp edges of the end surfaces are eliminated when a transition surface is pressed into the respective end surfaces and leading to the inside wall.

Pribil also discloses that:

The tubular body further comprises an outside wall (10) having circumferentially outward facing sheared edge upstanding from the rest of the outside wall to produce a border (Figs. 5-7).

The pass-through opening is circumferentially closed (Figs. 1-7).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pribil in view of Herr et al. (US 6,311,936).

Pribil discloses a tubular body having the components cited above in paragraph 3 for the rejection of claim 1. Pribil fails to disclose that the connecting web comprises a transverse web that can serve as a retainer during fabrication of the tubular body. However, Herr teaches a body (10) having a pair of stamped sleeve parts (12,14) connected by a web (20) (Figs. 1-3, 5 and 6). The web comprises a transverse web

(24) that serves as a retainer (Fig. 5). The transverse web cooperates with a slot on a support surface to retain the body with respect to the support surface (C. 2, L. 48-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the web comprising a transverse web as taught by Herr in the tubular body disclosed by Pribil. Doing so, transverse web cooperates with a slot on a support surface to retain the body with respect to the support surface and may also serve as a retainer during fabrication of the tubular body.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Schmunk (US 3,334,928), Bakkerus (US 3,718,351) and Green et al. (US 4,643,465) are cited with respect to one of a spring element or a damping element used with a tubular body.

Clow (US 368,459), Redfield (US 480,513), Padgett (US 2,067,283), Breedlove (US 2,443,066), Siegel (US 3,643,580), Myers (US 3,874,713), Scott (US 4,340,244), Hackett (US 4,840,513), Hardtke (US 4,951,902), Harbin (US 5,362,111) and British Patent Document GB 268,571 are cited to show state of the art with respect to a tubular member having two coaxial sleeve parts.

Angles et al. (US 5,641,152) and Muller et al. (US 6,102,606) is cited to show state of the art with respect to tubular member for attaching a joint eye to a piston rod.

Harris, III (US 4,903,922) is cited to show state of the art with respect to a body having two sleeves connected by a web that comprises a transverse web.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before and after final communications is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr
November 12, 2003

J. J. SWANN
J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600